

BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in fifteen (15) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: **7D02, 7D07**

Petition Circulation Period: **Tuesday, October 21, 2003 thru Monday, November 10, 2003**

Petition Challenge Period: **Thursday, November 13, 2003 thru Wednesday, November 19, 2003**

VACANT: **3D07, 3D08, 3E05**
 5C10, 5C11
 6B11
 8B03, 8C05, 8C06

Petition Circulation Period: **Wednesday, October 22, 2003 thru Wednesday, November 12, 2003**

Petition Challenge Period: **Monday, November 17, 2003 thru Friday, November 21, 2003**

VACANT: **2A06**
 4A05
 8E01

Petition Circulation Period: **Tuesday, October 28, 2003 thru Monday, November 17, 2003**

Petition Challenge Period: **Thursday, November 20, 2003 thru Wednesday, November 26, 2003**

VACANT: **1C05**

Petition Circulation Period: **Monday, November 10, 2003 thru Monday, December 1, 2003**

Petition Challenge Period: **Thursday, December 4, 2003 thru Wednesday, December 10, 2003**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N

For more information, the public may call 727-2525.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF ADOPTION OF THE ADMINISTRATIVE PLAN
FOR THE HOUSING CHOICE VOUCHER PROGRAM

The District of Columbia Housing Authority ("DCHA") pursuant to requirements and funding from the U.S. Department of Housing and Urban Development ("HUD") administers rental allowance programs under Section 8 of the Housing Act of 1937. HUD requires each public housing authority that manages a Housing Choice Voucher Program (formerly called "Section 8") to adopt an administrative plan setting forth how it implements the requirements of the Housing Choice Voucher Program and any allowable local policies adopted for that program.

The District of Columbia Housing Authority's Administrative Plan predated the establishment of the Board of Commissioners as the authorizing body for the DCHA. The Administrative Plan was incorporated by reference in the DCMR at Chapter 60, Section 6004 by action of the Board of Commissioners on December 12, 2001.

In order to promote efficient operation of the Housing Choice Voucher Program and to provide the staff, clients and potential clients of HCVP with access to the procedures used to operate the HCVP, the District of Columbia Housing Authority formally adopted the Housing Choice Voucher Program Administrative Plan in a restated and amended form on October 8, 2003.

The Administrative Plan became effective upon adoption by the Board on Commissioners. Copies of the Administrative Plan are available for review at the District of Columbia Housing Authority, Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC INTERESTTERMINATION OF ENROLLMENT INTO THE DEPARTMENT OF HEALTH
MEDICAL ASSISTANCE ADMINISTRATION'S
50-64 DEMONSTRATION PROGRAM (MEDICAID SERVICES)

The Acting Director, District of Columbia Department of Human Services (DHS), hereby announces termination of intake or enrollment into the Department of Health Medical Assistance Administration's (DOH/MAA) 50-64 Demonstration Program. This Medicaid federal waiver program expands health insurance benefits to low-income childless adults between the ages of fifty (50) to sixty-four (64) years of age who have incomes at or below fifty percent (50%) of the federal poverty level. Effective upon publication of this notice in the D.C. Register, as requested by the DOH/MAA, the DHS Income Maintenance Administration (IMA) is terminating intake/enrollment services for this program. According to DOH, this action is necessary to ensure that the costs for this program do not exceed the funding level budgeted for the service and that the costs satisfy the budget neutrality requirement of the federal Medicaid program. However, the termination of intake will not affect the continuation of benefits for persons already enrolled in the program or continued processing of applications already received by IMA prior to the effective date of the termination of intake for this program.

For additional information regarding the termination of enrollment of this Medicaid program, please contact Kate Jesberg, Administrator, Income Maintenance Administration, at (202) 698-3900.

Tri-Community Public Charter School

3700 North Capitol Street, N.W.

Washington, D.C. 20317

**NOTICE FOR PROPOSALS TO CATER
SCHOOL BREAKFAST AND LUNCH PROGRAM**

The Tri-Community Public Charter School, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, solicits proposals to provide meals for breakfast and lunch for 46 students ages 3 and 4 located in First Baptist Church at Randolph and New Hampshire, N.W. The meals must meet federal nutrition requirements and all compliance standards of the USDA School Breakfast Programs and the National School Lunch Program.

Providers must state their credentials, provide appropriate licenses and sample menus in accordance with federal nutritional and serving regulations. No proposal will be considered without an explicit and final cost statement as part of the proposal.

Proposals shall be received no later than 5:00 P.M. November 14, 2003. Proposals should be sent to the listed address, Attention, Ronald Hasty, Executive Director.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17040 of William C. Miller, pursuant to 11 DCMR 3103.2, for a variance from the accessory structure height limitation (15 feet) under subsection 2500.4, to allow an existing detached garage serving a single family dwelling in the WHOD/R-1-B District at premises 4417 Garfield Street, N.W. (Square 1614, Lot 59).

Note: The Applicant filed an affidavit noting that the subject property was posted with a hearing notice 7 days in advance of the hearing. The Board waived its' rule that requires that the property be posted with a hearing notice at least 15 days in advance of the hearing under subsection 3113.14.

HEARING DATE: July 22, 2003, October 21, 2003
DECISION DATE: October 21, 2003

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by an Order to Abate or Remove the Garage from the Acting Zoning Administrator (Exhibit 2), advising the Applicant of his rights to file an application with the Board of Zoning Adjustment seeking relief from subsection 2500.4.

The accessory garage that is the subject of this application was built in accordance with a permit and plans approved by the Department of Consumer and Regulatory Affairs (DCRA), before the Applicant purchased the property. DCRA mistakenly approved the plans that showed the height of the garage exceeding the maximum height limit under subsection 2500.4. DCRA subsequently issued the Applicant an order to abate or remove the garage (Exhibit 2). The Applicant filed the subject application in hopes of remedying the excess height of the garage approved by DCRA.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3D, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 3D. ANC 3D submitted a letter in support of the application. The OP submitted a report recommending approval of the application.

BZA APPLICATION NO. 17040

PAGE NO. 2

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2500.4, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Carol J. Mitten, Ruthanne G. Miller, Curtis L. Etherly, Jr., and David A. Zaidain to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: OCT 27 2003

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

BZA APPLICATION NO. 17040

PAGE NO. 3

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17061 of Henry McKinnon, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to a single family semi-detached dwelling under section 223, not meeting the lot occupancy requirements (section 403) in the R-3 District at premises 2708 P Street, N.W. (Square 1261, Lot 2).

HEARING DATE: October 21, 2003

DECISION DATE: October 21, 2003 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the

requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, David A. Zaidain and Carol J. Mitten to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: OCT 27 2003

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS,

PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

Order No. 03-25

Z.C. Case No. 03-25

(Text Amendment-- Section 3045 -- 11 DCMR)

October 20, 2003

The full text of this Zoning Commission Order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

ORDER NO. 02-35

Z.C. Case No. 02-35

(Text and Map Amendments – 11 DCMR)

(Definition of Building Height and Natural Grade)

The full text of this Zoning Commission order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

ZONING COMMISSION ORDER NO. 03-11
Z.C. Case No. 03-11
Consolidated Planned Unit Development and Map Amendment for
the Property Located at 2425 L Street, N.W.
(Site of the Former Columbia Hospital for Women)
Square 25, Lot 806
September 8, 2003

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on July 10, 2003, to consider an application from High Street Columbia, LLC ("Applicant"), for consolidated review and approval of a planned unit development and related zoning map amendment from the R-5-D to the C-2-C District. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Municipal Regulations ("DCMR"), Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the application.

FINDINGS OF FACT

The Applications, Parties, and Hearing

1. On February 28, 2003, the Applicant filed an application with the Zoning Commission to amend the Zoning Map from the R-5-D to C-2-C District for the property located at Lot 806 in Square 25, with a street address of 2425 L Street, N.W., Washington, D.C. Upon the recommendation of the Office of Planning ("OP"), the Applicant agreed to proceed with its project as a planned unit development ("PUD") under Chapter 24 of the Zoning Regulations. Accordingly, at its public meeting held April 24, 2003, the Zoning Commission voted to schedule a public hearing on the application as a PUD and map amendment.
2. After proper notice, the Zoning Commission held a hearing on the application on July 10, 2003. The parties to the case were the Applicants, Advisory Neighborhood Commission ("ANC") 2A, the ANC within which the property is located, and 1116 25th Street Condominium Association, which was represented by Ms. Nicole Glineur.
3. At the July 10, 2003, hearing, the Zoning Commission took proposed action by a vote of 3-0-2 to approve with conditions the application and plans that were submitted to the record and presented at the July 10 hearing.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 2

4. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by action dated August 6, 2003, found the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.
5. The Zoning Commission took final action to approve the modified application on September 8, 2003.

The PUD Project

6. The Subject Property is Lot 806 in Square 25, which is the city block bounded by L Street on the south, 24th Street on the east, 25th Street on the west, and M Street on the north, in the northwest quadrant of the city. The site fronts on L Street and spans the width of the block between 24th and 25th Streets. A private alley abuts the property to the rear. The site is rectangular in shape and contains approximately 100,052 square feet of land area, and thus exceeds the minimum area requirement of 15,000 square feet for a PUD within the C-2-C District.
7. Currently zoned R-5-D, the property is presently improved with the former Columbia Hospital for Women, which had been located on the site since 1873. In June 2002, the hospital closed and, in September of that year, High Street Columbia, LLC purchased the property for redevelopment as a condominium apartment building with ground floor retail and service uses.
8. In December 2002, the District of Columbia Historic Preservation Review Board ("HPRB") designated the former hospital and its site as an historic landmark, which designation now affords the property the protections of the D.C. Historic Landmark and Historic District Protection Act. Any proposed redevelopment affecting the exterior of the site must be reviewed and approved by the HPRB.
9. The site shares interior lot line boundaries with two lots to the north. The site slopes down from a central high point to the surrounding streets with a low point along 25th Street to the west. The change in elevation is roughly equal to a story and a half or approximately fifteen feet. The main entrance to the building is more than fifteen feet higher than L Street, but the site elevations along 24th and 25th Streets are relatively flat.
10. The property is situated in the Foggy Bottom/West End area, approximately 1,200 feet (four blocks) from the entrance to the Foggy Bottom Metrorail Station. The Generalized Land Use Map of the Comprehensive Plan designates the general area of the site in the mixed-use category of high-density residential and medium-density commercial. The site

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 3

itself is in the institutional land use category, in recognition of the previous long-standing hospital use.

11. The Foggy Bottom/West End area is characterized by a mixture of land uses, including predominantly high-rise office buildings, hotels, and apartment houses and a broad range of institutional uses. Retail uses are generally contained within the first floor of high-rise buildings devoted to other uses.
12. Within Square 25 immediately north of the PUD site are two parcels, one of which is currently improved with a nine-story medical office building at the southeast corner of the intersection of 25th and M Streets, having the address 2440 M Street. A nine-story addition consisting of 141 residential units and ground floor retail is being developed at the rear of this building. The second parcel, at the southwest corner of the intersection of 24th and M Streets, known as 2400 M Street and currently used as a parking lot, is being developed with a 334-unit apartment house with ground floor retail, which will be constructed to a height of ninety (90) feet. Both parcels are located in the C-2-C District.
13. Immediately south of the PUD site across L Street, also in the C-2-C District, is a mixed-use development, ninety-two (92) feet in height, consisting of office, retail, and residential uses, known as 2401 Pennsylvania Avenue. The balance of the block to the south is improved with a four-story office building at 2421 Pennsylvania Avenue. To the southwest, the area along Pennsylvania Avenue is devoted to a mix of hotel, residential, office, and retail uses. The northwest corner of 25th Street and Pennsylvania Avenue is currently improved with a vacant apartment building slated for redevelopment. West of the subject site, the property along the west side of 25th Street is improved with occupied rowhouses and low-rise apartment buildings.
14. To the east across 24th Street, Square 37 includes apartment houses, an office building, the Westin Hotel, the West End Branch of the D.C. Public Library, the Metropolitan Police Department Special Operations Division, and a parking lot. This square is zoned R-5-B on the southern half and C-2-C on the northern half. Further to the east are the recently developed Ritz Carlton Hotel and Residences, Sports Club/LA, as well as the Carriage House apartments.
15. The Subject Property and the surrounding area have been rezoned several times over the years in response to the changing character and needs of the Foggy Bottom/West End community. From 1958 to 1987, the Columbia Hospital site and the northwest portion of Square 25 were zoned R-5-B. In 1974, major portions of the surrounding area were rezoned to the C-2-B District, including the northwest portion of Square 25, the property immediately west of the Subject Property fronting on Pennsylvania Avenue in Square 14, all of Square 26 located immediately south of the Subject Property across L Street, and other properties along the M Street corridor between 21st and 24th Streets.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 4

16. By Zoning Commission Order No. 540 dated August 3, 1987, the Subject Property was rezoned to the R-5-C District. The community supported the rezoning in conjunction with a restrictive covenant that was placed on the property at that time. Thereafter, by virtue of the creation of a new R-5-C category under Zoning Commission Order No. 721 dated October 19, 1992, then-existing R-5-C properties, including the Subject Property, were reclassified as R-5-D.
17. The proposed C-2-C District is consistent with the C-2-C designation of the surrounding properties to the north, south, and west. However, by virtue of this being a PUD-related map amendment, which is subject to a separate covenant with the District that limits the height and density of the project to that approved in this order, the proposed rezoning will have no effect on the height or density on the property. The C-2-C District permits a maximum density of 6.0 FAR, or approximately 600,000 square feet of gross floor area. Approximately 150,000 square feet of the total development could be devoted to commercial uses. Here, however, the proposed development will not exceed 3.5 FAR, of which no more than 28,000 square feet of space will be devoted to limited commercial uses. Thus, the PUD-related rezoning will have only a limited effect on the property.
18. The proposed PUD contemplates the rehabilitation of the historic central portion of the former hospital and the construction of a new wing on each side to create a new condominium apartment house. The new building will contain up to 235 residential units and will consist of approximately 330,000 square feet of gross floor area, including 28,000 square feet of space devoted to retail uses on the ground floor fronting on and accessed from 24th and 25th Streets. Approximately 325 parking spaces will be provided in a two-level, below-grade garage. A minimum of one parking space will be provided for each dwelling unit, and a minimum of 31 spaces will be allotted for the retail uses. Any excess parking spaces will be allocated to the residential or retail portions of the project based on demand. Access to the parking garage and the loading docks will be from both 24th and 25th Streets.
19. The project will be constructed to a height of ninety (90) feet and arranged in a U-shaped configuration around the original hospital building. The original building consists of a central rectangular block with two identical Y-shaped extensions facing south. The new wings form the legs of the "U" and frame a series of open courtyards that face to the south toward L Street and Pennsylvania Avenue beyond. The massing concept, which evolved through a series of meetings with neighborhood representatives and District agencies, orients a majority of the project's density away from the historic hospital and toward the northeast and northwest corners of the site. The tallest massing elements, the ninety-foot (90-foot) wings, flank the historic building and front on 24th and 25th Streets. A lower massing element, approximately thirty-three (33) feet high, at the end of each wing (at the southeast and southwest corners of the site), allows views of the historic landmark building from those street intersections and from Pennsylvania Avenue. The height of these lower pavilions is comparable to several existing structures at opposite sides of the street intersections.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 5

20. The former hospital building is faced with a yellow/ochre tapestry brick and serves as the inspiration for the primary exterior facing material for the new portions of the project. The new facing material will be a tan/ochre brick that complements and distinguishes the new construction from the historic building. Several different shades of brick will be blended to highlight the project's distinctive massing elements. Painted aluminum window systems will be incorporated throughout. Cast stone or concrete copings, window openings, and horizontal trim will articulate certain floor levels, and painted trellis-work will add detailing to the facades.
21. A series of landscaped, south-facing courtyards open onto L Street and are elevated from the sidewalk approximating the natural topography of the site. An existing metal picket fence with brick masonry piers along L Street demarcates public and private space. Existing landscaped berms at L Street and along portions of 24th and 25th Streets will be maintained as will an existing stone masonry wall along 25th Street. These berms frame the series of courtyards creating continuity of the open, landscaped areas. Trees, shrubs, and groundcover soften and cool the spaces, while areas of lawn and groupings of plantings provide a series of informal opportunities for residents to use the space.
22. Parking and loading access is at the northeast and northwest corners of the Project along 24th and 25th Streets, respectively. Ingress and egress points to the loading docks and to the below-grade parking are approximately 175 feet from the signalized intersections of L Street with 24th and 25th Streets. A private alley along the north side of the site, which varies in width from approximately fifteen (15) to twenty (20) feet, will be maintained in accordance with an existing easement.
23. The residential lobby will have three points of access. The historic building entrance at the center of the site will be maintained along with the semicircular vehicular drive with drop-off and sidewalk from L Street. A second entrance from 24th Street and a third entrance from 25th Street will connect by corridors to the central lobby. Access to retail will be located at the base of the building along 24th and 25th Streets. The extent of these additional entrances will be determined once retail tenants are identified.
24. Pedestrian access around the site is accommodated via public sidewalks along L, 24th, and 25th Streets.
25. The following superior benefits and amenities will be created as a result of the PUD project:
 - a. *Housing.* The project constitutes a new residential development in an area generally designated for mixed use, including high-density residential, by the Land Use Element of the Comprehensive Plan. The site is ideally suited for a housing development. The West End area contains a broad mix of uses, including office, hotel, residential, retail, and public uses. New residential development is

proposed and has been approved for construction on the two abutting lots to the north. Additional housing will enhance the residential component of the overall mixed-use character of the area. The project will be a key part of the total urban living system in this portion of Ward 2, with its proximity to transportation, shopping, and recreation.

- b. *Special Value to the Neighborhood.* The PUD project will include as much as 28,000 square feet of retail uses, as permitted in the C-1 and C-2 Districts. These uses will be located on the ground floor at sidewalk level along 24th and 25th Streets. The Applicant was strongly encouraged by members of the ANC and other community representatives to add a neighborhood-serving retail component to the building.
- c. *Historic Preservation.* The PUD incorporates significant historic preservation benefits. The project includes the retention of the original 1916 hospital building and the historic stone wall, recreation of the original belvedere, and replacement of critical missing features. Significant repairs to the original historic fabric will be made, including the repair of damaged terra cotta tile roofs, and the repair, cleaning, and repointing of brick masonry. Compatibly designed new wings will replace portions of the building determined to be "non-contributing" to the significance of the landmark. This includes the removal of unsympathetic porch alterations at the ends of the Y-shaped wings, inappropriate windows, and other incompatible design treatments. Inappropriate uses, including the hospital's service yard, loading dock, power plant, and incinerator will be removed from the site. The open space at the front of the building, leading to the main entrance, will be re-established. This space will be landscaped in a manner befitting the original character of the building and will include a paved approach from L Street for vehicular drop-offs. The project will also allow for archaeological investigations at the site. The HPRB approved the design concept and massing for the project on April 24, 2003, as compatible with the historic character of the former hospital building. The Applicant will return to the HPRB for further design refinements and final approval.
- d. *Urban Design, Architecture, Landscaping, and Open Space.* The project exhibits an exceptional and appropriate architectural design. The height and scale of the addition relate to the original portions of the landmark that will be retained and incorporated into the PUD. The color and materials of the exterior façade have been carefully selected to complement the existing building. Overall, the project provides significantly more open space than is required under the C-2-C District. The permitted lot occupancy is seventy-five percent (75%), and the project as proposed occupies only fifty-seven percent (57%) of the Site. The proposed development also includes significant enhancements to the existing streetscape by removal of the surface parking lot and replacement with a carefully designed and refined landscape treatment.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 7

- e. *Parking.* The PUD will provide approximately 325 parking spaces, with a minimum of one space for each residential unit and a minimum of 31 spaces devoted to the retail uses. Any parking spaces provided in excess of the minimum amount will be allocated to residential or retail uses according to need. The Project's provision of parking is substantially more than that required by the Zoning Regulations, and will accommodate the market parking demands.
 - f. *First Source Employment Opportunities.* The Applicant will enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") in order to achieve the goal of utilizing District residents for at least fifty-one percent of the jobs created by the PUD project. The Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for employees whose jobs are created by the PUD.
26. The project is acceptable in all proffered categories of public benefits and project amenities, and is superior in many, including historic preservation, urban design, architecture, landscaping, preservation of open spaces, and provision of retail uses of special value to the neighborhood.
27. The impact of the project on the surrounding area and on the operation of city services and facilities is not unacceptable, but is instead favorable and acceptable given the quality of public benefits in the project.
28. The PUD is consistent with many of the Comprehensive Plan's major themes. It will respect and improve the physical character of the District by ensuring the development of an exceptional design in a well-developed and established community. It will also reaffirm and strengthen the District's role as an economic hub by making maximum use of the District's location at the center of the region's Metrorail and commuter rail systems. The project takes advantage of this asset by its proximity to several bus lines and the Foggy Bottom Metrorail Station.
29. The PUD is also consistent with many of the Comprehensive Plan's major elements, as follows:
- a. *Economic Development Element.* The proposed development will provide high-quality residential development along with needed service and retail uses in an area served by the Foggy Bottom Metrorail Station. The proposed development will also serve to attract and retain residents, who will further increase the tax base and create revenue for the District of Columbia.
 - b. *Housing Element.* The subject property supports the housing goals of the Comprehensive Plan through its provision of multi-family residential units and on-site retail and service uses, and its proximity to the Foggy Bottom Metrorail

Station. The proposed development will further the total urban living system with its access to transportation and shopping centers.

- c. *Transportation Element.* The location of the project in close proximity to the Foggy Bottom Metrorail Station and Metrobus routes provides for the efficient movement of people and goods and simplifies and economizes transportation services. The mixed-use nature of the development will generate fewer trips than the previous institutional use, which included the hospital's ambulatory care service, in-patient services, and daily visitors. The PUD also supports the District's goal of adequate parking through its provision of at least one parking space for each residential unit – a ratio that exceeds the requirements of the C-2-C District. Consistent with the Comprehensive Plan, the project incorporates finished sidewalks with carefully designed landscape treatment on all street frontages of the building. Retail has been included on the ground floor of both the 24th and 25th Streets frontages to activate the street. The circular driveway on the L Street side of the building has been retained to provide a formal front entrance for visitor and resident drop-off.
 - d. *Urban Design Element.* The project has been designed to enhance the physical character of the area and complement the materials, height, scale, and massing of the surrounding neighborhood. The project's massing and scale are sensitive to the established patterns of development in the area. The proposed development also retains and incorporates the landscaped open area on the south side of the building facing Pennsylvania Avenue and L Street.
 - e. *Land Use Element.* The designation of this site in the institutional land use category on the Generalized Land Use Map is a reflection of its former use as a hospital. The project, however, provides for the replacement of a non-residential building with residential uses, and accordingly, is not inconsistent with the Comprehensive Plan's designation of the site in the institutional land use category. The project is also consistent with the Land Use Element by virtue of its provision of housing near the Foggy Bottom Metrorail Station.
30. The Project also fulfills and furthers the specific objectives of the Comprehensive Plan for Ward 2, as follows:
- a. *Ward 2 Economic Development.* The proposed development creates additional residential opportunities in the ward while increasing income and property tax revenues, thereby enhancing the image of the ward as a place to do business and reside.
 - b. *Ward 2 Housing Element.* The proposed development creates additional housing that will enhance the residential neighborhood and neighborhood-level retail and

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 9

service uses that will support the residents, consistent with the Ward 2 housing goals.

- c. *Ward 2 Transportation Element.* The proposed development's provision of at least one parking space for each residential unit will help alleviate parking problems within the ward due to evening visitors, student parking, and the lack of parking provisions for many residential dwellings.
- d. *Ward 2 Urban Design Element.* The proposed development has been designed to enhance the physical character of the area and complement the materials, height, scale, and massing of the surrounding neighborhood. The front yard of the building facing L Street will be retained as a formal open space, enhanced by the design of the surrounding addition. The building will occupy substantially less area (fifty-seven percent) than is permitted for either the existing R-5-D District or the proposed C-2-C District (seventy-five percent).
- e. *Ward 2 Residential Land Use Element.* The Project supports the Residential Land Use Element by establishing a new residential use that will significantly enhance the character of the existing Foggy Bottom and West End residential neighborhood.
- f. *Ward 2 Neighborhood Shopping Areas.* Consistent with the goal to provide adequate commercial and service establishments to neighborhoods, the proposed PUD will include neighborhood-serving retail uses at the ground floor level.

Office of Planning Report

- 31. By report dated June 27, 2003, and through testimony presented at the public hearing, the Office of Planning ("OP") recommended conditional approval of the PUD application. OP found that the proposed PUD is not inconsistent with the Comprehensive Plan. OP further found that the proposal is consistent with the objectives and evaluations standards of a PUD. OP conditioned its approval on the Applicant's provision of 150-200 residential units; the provision of on-site parking equal to 285 spaces or at least one parking space per residential dwelling unit; designation of at least 28,000 square feet for ground floor commercial uses; that the commercial uses be limited to those retail and services uses listed in §§ 701 and 721 of the zoning regulations; and that the Applicant enter into a DOES First Source Employment Agreement. OP further stated that the flexibility to increase the number of units to 235 and refine the design in accordance with HPRB approvals was appropriate.

ANC and Community Reports

- 32. By resolution dated December 29, 2002, and through letter and testimony dated July 10, 2003, Advisory Neighborhood Commission ("ANC") 2A "wholeheartedly" and

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 10

unanimously supported the PUD project and rezoning from R-5-D to C-2-C. ANC 2A applauded the provision of much-needed neighborhood-serving retail and the provision of additional housing in a neighborhood that has lost permanent resident housing in recent years. The Commission affords the views of the ANC the "great weight" to which they are entitled.

33. By letter dated May 15, 2003, and through testimony presented at the hearing, the Foggy Bottom Association also unanimously endorsed the proposed project.

Contested Issues

34. The 1116 25th Street Condominium Association (the "Association") appeared as a party in opposition to the proposed PUD. The Association contended that the project should be denied because it (i) violated historic zoning provisions, changed the historic character of the adjacent block, and reduced the light and views of all residents due to its height; (ii) reduced property values; (iii) increased traffic in an already congested block; (iv) reduced parking along the street; (v) resulted in an overall loss in the quality of life; and (vi) would create objectionable noise and traffic conditions, particularly during the construction phase. No evidence was presented by the Association to support its concerns.
35. In considering these issues, the Commission finds that the proposed 90-foot height of the building does not exceed the height permitted in the R-5-D and C-2-C Districts. The Commission further finds that the Association's property is located in the C-2-C District, which also permits a maximum height of 90 feet. Because the height and location of the proposed are permitted as a matter-of-right, there is also no reduction of light and views on the Association's property. Accordingly, the Commission concludes that a 90-foot building could be built as a matter-of-right at this site without the PUD or map amendment process and that the height of the proposed PUD is thus appropriate. The Commission further finds that any concerns arising from the proposed height of the building, such as light and views, do not arise from the PUD and map amendment process and, therefore, are not issues that may be addressed by the Commission under these applications.
36. With respect to impact of the new building on the historic character of the neighborhood, the Commission finds that the HPRB, the District agency that possesses the expertise to evaluate such matters, has approved the height and massing of the building as compatible with the historic landmark. Because the HPRB has continuing jurisdiction over design refinements to the building, the Commission finds that historic preservation concerns are most appropriately addressed in that forum.
37. The Commission further finds that, based on the Traffic Impact Study prepared by Wells & Associates for the Applicant, the intersections surrounding the proposed development will operate at similar levels of service, with or without redevelopment of the project site.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 11

Additionally, based on the testimony of Martin Wells, an expert in traffic engineering, the Commission finds that the project will not result in the loss of any on-street parking.

38. Finally, the Commission finds that there is no evidence to support the Association's contention that the proposed PUD will reduce property values or adversely affect the quality of life for surrounding residents. To the contrary, based on the testimony of ANC 2A and the Foggy Bottom Association, the Commission finds that the introduction of neighborhood-serving retail uses, including a possible grocery store, and the conversion of the former hospital to residential use, will greatly enhance the quality of life in this segment of the Foggy Bottom/West End community. The Commission likewise finds that any potential adverse noise and traffic generated during the construction phase will be temporary in nature and constitute construction code issues that are not within the jurisdiction of the Zoning Commission.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.
2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The proposed PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD is within the applicable height, bulk, and density standards of the Zoning Regulations. The project will, in fact, include less density on the site than is permitted as a matter of right either in the C-2-C or R-5-D District. The residential and neighborhood-

serving retail uses for this project are appropriate for this site, which is located between the Central Employment Area and Georgetown, and within immediate proximity to mass transit. As set forth in the Findings of Fact, the proposed development has been appropriately designed to respect the historic building in terms of height and mass and is complementary to adjacent buildings. Accordingly, the project should be approved.

6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The project benefits and amenities, particularly the provision of housing and neighborhood-serving retail, are reasonable for the development proposed on the site. The PUD responds to both the historic building and the surrounding residential and commercial developments.
8. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area.
9. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan.
10. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the affected ANC's recommendation. The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.
11. The applications for a PUD and map amendment will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
12. The applications for a PUD and map amendment are subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review of a Planned Unit Development and for a Zoning Map amendment from R-5-D to C-2-C for the property located at 2425 L Street, N.W., in Square 25, Lot 806. This approval is subject to the following conditions:

1. The PUD shall be developed in accordance with the plans prepared by Shalom Baranes & Associates, dated May 2, 2003, and marked as Exhibit A in the Applicant's Pre-hearing submission, as modified by the guidelines, conditions and standards herein.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

PAGE 13

2. The project shall be a residential and retail development consisting of approximately 330,000 square feet of gross floor area, of which a minimum of 10,000 square feet and a maximum of 28,000 square feet of floor area shall be devoted to the neighborhood-serving retail uses listed in §§ 701 and 721 of the Zoning Regulations. The PUD project shall be constructed to a maximum density of 3.5 FAR and to a height not to exceed 90 feet.
3. The project shall provide up to 235 residential units.
4. The PUD shall include approximately 325 parking spaces, provided that a minimum of one space shall be provided for each residential unit and a minimum of 31 spaces shall be devoted to the retail uses. Any parking spaces provided in excess of the minimum amount may be allocated to residential or retail uses according to need.
5. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the exterior design and landscaping in accordance with final plans reviewed by the D.C. Historic Preservation Review Board and approved by the Mayor's Agent for Historic Preservation, as long as those changes are consistent with the requirements of the R-5-D District;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms; and
 - c. To vary the location and arrangement of parking spaces.
6. The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services (DOES) and provide an executed copy of the Agreement to the Zoning Commission record prior to the issuance of a final order in this case.
7. No building permit shall be issued for this planned unit development until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.
8. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.

Z.C. ORDER NO. 03-11

Z.C. CASE NO. 03-11

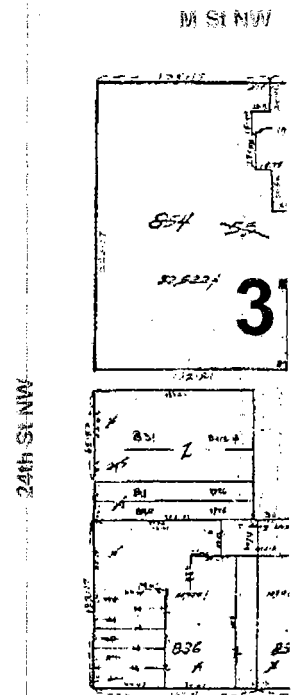
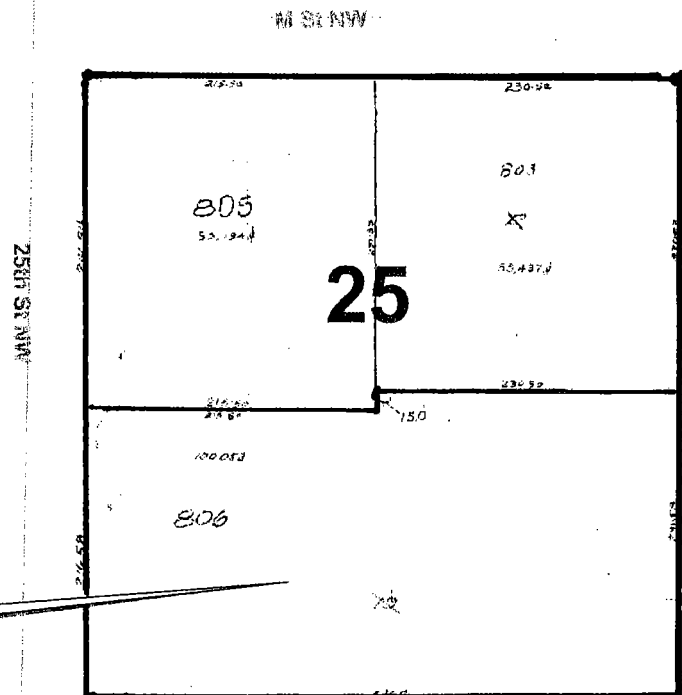
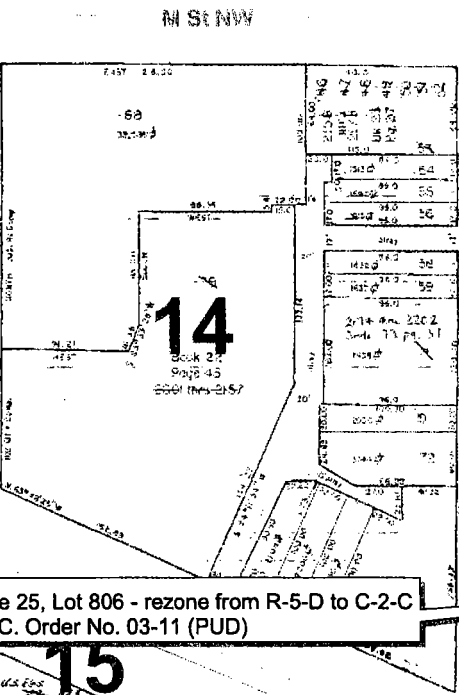
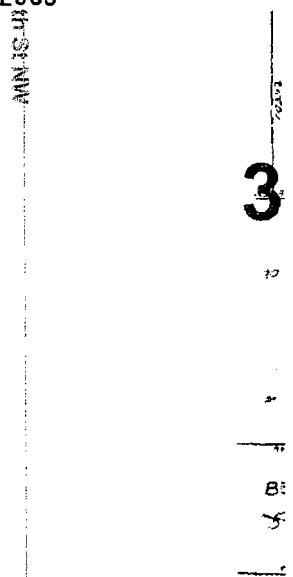
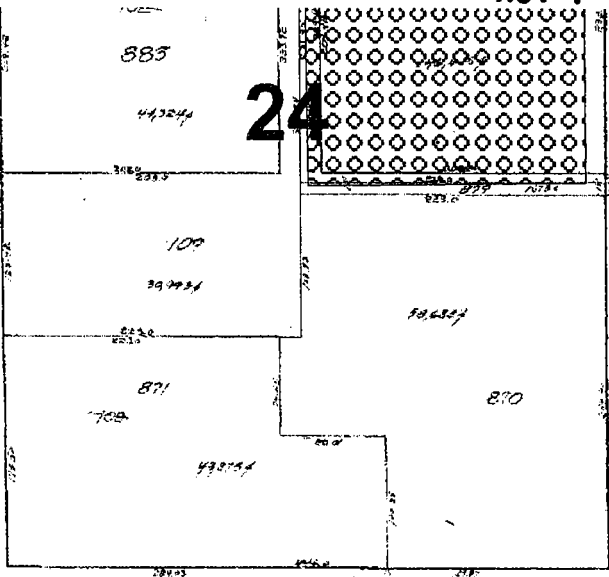
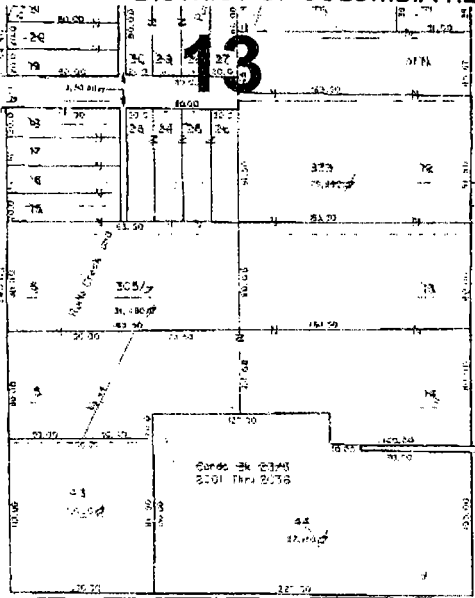
PAGE 14

9. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three years of the effective date of this order.
10. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

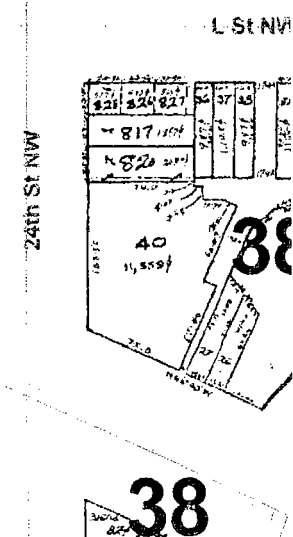
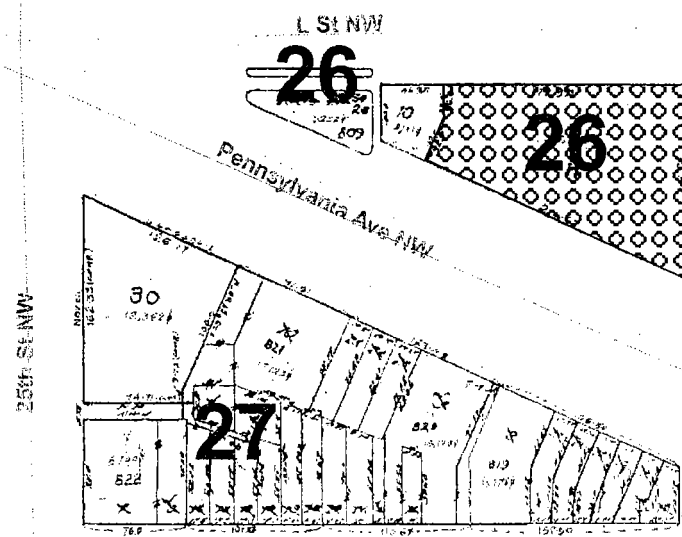
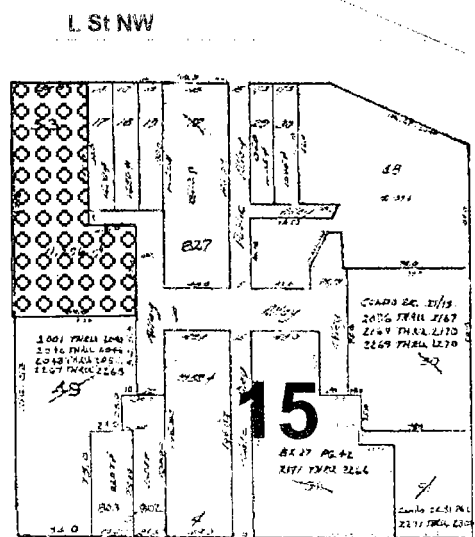
On July 10, 2003, the Zoning Commission approved the applications by a vote of 3-0-2 (Carol J. Mitten, Anthony J. Hood, and Peter G. May to approve; James Hannaham and John Parsons not present, not voting).

The order was adopted by the Zoning Commission at its public meeting on September 8, 2003, by a vote of 4-0-1 (Carol J. Mitten, Peter G. May, Anthony J. Hood, and James Hannaham to adopt; John Parsons having not participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the *D.C. Register*; that is on _____.



Square 25, Lot 806 - rezone from R-5-D to C-2-C per Z.C. Order No. 03-11 (PUD)



ZONING COMMISSION ORDER NO. 03-15
Case No. 03-15
(Amendment to the Zoning Map for Bennett Career Institute)
August 11, 2003

Pursuant to public notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 26, 2003, to consider an application from Studio27 Architecture on behalf of the Bennett Career Institute for review and approval of an amendment to the Zoning Map of the District of Columbia to change the zoning of Lot 827 in Square 3657 from the R-4 District to the C-1 District, pursuant to § 102 of Title 11 of the District of Columbia Municipal Regulations (DCMR) (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

PROCEDURAL BACKGROUND

Public Notice. The Office of Zoning ("OZ") published a notice of filing of the application in the *D.C. Register* on April 11, 2003, and a notice of public hearing was published in the *D.C. Register* on May 9, 2003. A copy of the public hearing notice was posted in the Office of Zoning and copies were provided to the District of Columbia public library system.

By letter dated May 7, 2003, the Office of Zoning mailed the notice of public hearing to the owners of all property within 200 feet of the subject property; the District of Columbia Office of Planning ("OP"); the District Department of Transportation; Advisory Neighborhood Commission ("ANC") 5C, the ANC for the area within which the property is located; the single member ANC district for the subject property; the Ward 5 Councilmember; the Zoning Administrator; and the Applicant.

The Applicant submitted an affidavit of posting dated May 7, 2003, indicating that on May 6, 2003, it posted the property with two (2) zoning notices, one (1) on each of its street frontages on Monroe Street, N.E. and Seventh Street, N.E. Office of Planning Report. OP reviewed the Applicant's proposal and, in its April 2, 2003 report, recommended that the application be set down for public hearing. OP opined that the requested map amendment would be consistent with the Ward 5 objectives for Land Use and Zoning set forth in the Comprehensive Plan for the National Capital ("Comprehensive Plan" or "Plan") and concluded that the Applicant's use "would fit into the character of the community and would not be inconsistent with the Generalized Land Use Plan." (Exhibit No. 9, at 4) During the June 26, 2003 public hearing on the application, OP orally recommended approval of the map amendment.

ANC Report. By letter dated June 5, 2003, ANC 5C indicated that, at a regularly scheduled meeting with a quorum present, the ANC voted unanimously to support the application. The letter describes the Applicant's proposal to provide vocational training and childcare within a Neighborhood Shopping District as a "win-win-win" situation.

Public Hearing. On June 26, 2003, the Zoning Commission ("Commission") held a public hearing on the application. Mr. Chet Bennett, of Bennett Corporation and Bennett Career Institute ("BCI") testified

Z.C. ORDER NO. 03-15

Z.C. CASE NO. 03-15

PAGE NO. 2

concerning the Applicant's commitment to developing projects that are important to the social fabric of the surrounding communities. He noted the Bennett Corporation's significant contributions to the local community, which are also witnessed by several letters of support for the application in the record. Mr. Todd Ray, of Studio27 Architecture, also testified on behalf of the application. Mr. Ray discussed the need for the map amendment, the proposed C-1 District and the existing zone districts surrounding the subject property. No representative of ANC 5C was present at the hearing.

Proposed Action. At the conclusion of the public hearing on June 26, 2003, the Commission took proposed action to approve the map amendment.

National Capital Planning Commission Review. Pursuant to the District of Columbia Home Rule Act, the Commission referred its proposed decision of approval to the National Capital Planning Commission ("NCPC") for review and comment. By report and letter dated July 28, 2003, NCPC found that the proposed map amendment "would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan." (Exhibit No. 29)

Final Action. The Commission took final action to approve the map amendment at its regularly scheduled meeting held on July 31, 2003.

FINDINGS OF FACT

1. On March 27, 2003, the Applicant, Studio27 Architecture, on behalf of Bennett Corporation and Bennett Career Institute, filed an application for a map amendment with the OZ requesting that the Commission change the zoning of the subject property from the R-4 District to the C-1 District.
2. The property that is the subject of this application, located at 700 Monroe Street, N.E. (Lot 827 in Square 3657) ("subject property"), is in the R-4 Zone District and is owned by the Bennett Corporation. The subject property consists of approximately 18,567 square feet of land (0.43 acres) and is located one block from the Brookland/Catholic University Metrorail Station. Lot 827 is developed with a three (3) story building with a walkout basement, which has been vacant for several years.
3. The subject property is located in the Brookland neighborhood at the confluence of several different zone districts, allowing for a mix of uses. Just to its north lies property which is zoned C-1 and is designated on the Generalized Land Use Map for Moderate Density Mixed Residential and Commercial Use. Catholic University is located to the north beyond this property and across Michigan Avenue, in an area that is zoned R-5-A. The land immediately to the east of the subject property is zoned C-M-1 and is designated on the Generalized Land Use Map for Industrial, Commercial - Light Manufacturing - Low Bulk uses. The property across Monroe Street, N.E., to the south is open land area zoned R-4 for row dwellings, conversions, and apartments. Trinity Seminary is located on the property immediately across Seventh Street, N.E., to the west of the subject property, which is zoned R-5-A, General Residence Low-Density. There are a variety of residential uses scattered throughout the neighborhood, as well as properties zoned SP-1 (Special Purpose) and C-2-A (Commercial).
4. The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the row houses into dwellings for two or more families. The C-1 Zone District promotes shopping and service areas that are generally low in scale, character, and activities and that provide a limited range of retail goods and services.

5. The Commission finds that the proposed map amendment is consistent with and fosters the goals and policies stated in various elements of the Comprehensive Plan, specifically:
- a. Land Use Element -- The proposed map amendment will help to improve the vitality of the neighborhood in which the subject property is located, particularly in that it will help put to use a now vacant building. Further, the proposed map amendment will help provide for the continued growth and vitality of the District's economy, neighborhoods, and its employment base. *See, e.g.,* 10 DCMR §§ 1105.1 and 1108. Section 1134 of Title 10 directs that development efforts be concentrated near Metrorail Station areas that offer the potential for growth. The proximity of the subject property to the Brookland/Catholic University Metro Station thus makes it further compatible with the Land Use Element of the Comprehensive Plan.
 - b. Economic Development Element -- The Economic Development Element sets forth policies to encourage the growth and development of small and minority businesses and to focus business activity near Metro stations. Both of these policies are directly fostered by the proposed map amendment. *See, 10 DCMR §§ 204.2 and 209.6(b)(1).*
 - c. Ward 5 Element -- Two policies of the Ward 5 Plan are to capitalize on Metro station areas as focal points of commercial activities and community services and to stimulate private renovation of existing residential and commercial properties. 10 DCMR §§ 1601.1(d) & (f). The proposed map amendment is consistent with both of these policies and will not denigrate the stability of the nearby residential neighborhoods, a concern that is evident throughout the Ward 5 Plan.
6. The proposed map amendment is also consistent with the Generalized Land Use Map designation of the subject property as a mixed land use combination of Low-Density Commercial with Production and Technical Employment. This designation, in turn, is consistent with the C-1 zone.
7. The proposed C-1 Zone District will allow for controlled commercial development and permit redevelopment of the existing building consistent with the bulk, height, and character of buildings in the surrounding institutional and commercial neighborhood.
8. The requested map amendment will not produce objectionable traffic conditions. Located one block from the Catholic University/Brookland Metrorail Station, the subject property is adequately served by public transportation. In addition, the Bennett Career Institute will be providing off-street parking and shuttle bus service from the subject property to a commuter parking lot on Rhode Island Avenue, one mile from the property.

CONCLUSIONS OF LAW

1. The Zoning Commission is authorized under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, as amended, D.C. Official Code § 6-641.01 *et seq.* (2001)), to amend the Zoning Map.

NOV 7 - 2003

2. The public notice, public hearing, and NCPC referral requirements for the map amendment, including the requirements in 11 DCMR §§ 102.6 - 102.9, 3015, and 3028, have been met.
3. The Commission concludes that approval of the requested map amendment from the R-4 District to the C-1 District is not inconsistent with the Comprehensive Plan nor with the purposes of the 1938 Zoning Act. In fact, the Commission concludes that the requested map amendment will further the goals of the Comprehensive Plan and will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map.
4. The Commission further concludes that the proposed map amendment is consistent with the Generalized Land Use Map's designation of the subject property as a mixed land use combination of Low-Density Commercial with Production and Technical Employment.
5. Based upon the above findings and conclusions, the Commission also concludes that the requested map amendment is in the best interests of the District of Columbia and will benefit the community in which the subject property is located. The property's proximity to the Metro makes it as a suitable site for the proposed map amendment. The requested C-1 zone district is compatible with zone districts in the area and merely requires an extension of a neighboring C-1 zone to include the subject property.
6. The Commission takes note of the recommendations in support of the map amendment of both ANC 5C and OP and has accorded them the "great weight" to which they are entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for an amendment of the Zoning Map to change the zoning for Lot 827 at Square 3657 from the R-4 District to the C-1 District.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

At the public hearing on June 26, 2003, the Zoning Commission voted to **APPROVE** the application for proposed action by a vote of **5-0-0**. (Anthony J. Hood, James H. Hannaham, Carol J. Mitten, Peter G. May, and John G. Parsons to **APPROVE**).

The Order was **ADOPTED** by the Zoning Commission at its public meeting on July 31, 2003, by a vote of **5-0-0** (Carol J. Mitten, Peter G. May, Anthony J. Hood, James H. Hannaham, and John G. Parsons to adopt).

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the *D.C. Register* on _____.

NOV - 2003

John McCormack Road

Michigan Ave NE

Michigan Ave NE

7th St NE

Monroe St NE

Monroe St NE

Monroe St NE

7th St NE

8th St NE

Lawrence St NE

Square 3657, Lot 827 - rezone from R-4 to C-1 per Z.C. Order No. 03-15

3825

3657

3828

3654

3829

655

9480

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST**

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001)	\$16.00
3	DCMR ELECTIONS & ETHICS (JUNE 1998)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995)	\$13.00
5	DCMR BOARD OF EDUCATION (JUNE 1997)	\$26.00
6A	DCMR POLICE PERSONNEL (MAY 1988)	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986)	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988)	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998)	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999)	\$33.00
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (JULY 1995) w/ 1996 SUPPLEMENT*	\$35.00
12	DCMR CONSTRUCTION CODES (NOVEMBER 1999)	\$20.00
13	DCMR ELECTRICAL & MECHANICAL CODE (MARCH 1987)	\$10.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984)	\$7.00
14	DCMR HOUSING (JULY 1991)	\$20.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998)	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998)	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986)	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES AND FOOD (JUNE 1997)	\$20.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003)	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985)	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988)	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (MAY 1987)	\$20.00
29	DCMR PUBLIC WELFARE (MAY 1987)	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (DECEMBER 1998)	\$16.00

Publications Price List (Continued)

OTHER PUBLICATIONS

1994 - 1996 Indices	\$52.00 + \$5.50 postage
1997 - 1998 Indices	\$52.00 + \$5.50 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$627.00
D.C. Register yearly subscription	\$195.00
Rulemaking Handbook & Publications Style Manual (1983)	\$5.00
*Supplements to D.C. Municipal Regulations	\$4.00

MAIL ORDERS: Send exact amount in check or money order made payable to the D.C. Treasurer. Specify title and subject. Send to: D.C. Office of Documents and Administrative Issuances, Room 520, One Judiciary Square, 441 - 4th St., N.W., Washington, D.C. 20001. Phone: 727-5090

OVER THE COUNTER SALES: Come to Rm. 520, One Judiciary Sq., Bring cash, check or money order.

All sales final. A charge of \$65.00 will be added for any dishonored check (D.C. Law 4-16)